

## **REMARKS**

### **AMENDMENTS TO THE SPECIFICATION**

The applicant has now amended the specification to more accurately describe the central body portion. The specification now describes a “closed” u-shaped central body. It is believed that this amendment overcomes the Examiner’s objection and accurately describes the central body. This amendment finds support in Fig. 4, and thus no new subject matter is being added. Entry of this amendment is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

The Examiner has rejected claims 24 and 27-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner contends that the “description of the horizontal track sections being joined by a U-shaped central body is inaccurate.” Consequently, claim 24 has been amended to clarify the description. Claim 24, and the corresponding reference in the specification now recite a “closed U-shaped central body.” It is believed this description more accurately represents the body element and overcomes the Examiners rejection. Regarding claims 27-32, the Examiner’s rejection was based on redundant language present in claim 27. Claim 27 has been cancelled, thus rendering this rejection moot. It is therefore believed that each of the Examiner’s aforementioned rejections are now overcome.

### **REJECTIONS UNDER 35 U.S.C. § 102 and 103**

The Examiner has rejected claims 1-3, 8, 9, 13-20, 23, 24 and 33-35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,897,391 to Kelly. Additionally, claims 1-3, 8-20, 22, 23, 25 and 33-35 have been rejected as being anticipated under §102(b) by U.S. Patent No. 4,119,133 to Wolf. Claim 1 has now been amended in an effort to clarify the inventive elements delineated therein. Specifically, claim 1 now includes the recitation that flag angles interconnect the reverse angles of the vertical track assemblies with the header to form a door mounting system. The header spaces the vertical track sections, and the header, flag angles and vertical track assemblies

may be preassembled prior to mounting to the framing members and cross member. This ability to preassemble is advantageous because workers are able to quickly assemble the unit and then mount to the door opening, saving time and money.

Conversely, neither Wolf or Kelly disclose or teach a header which spaces the vertical track assemblies and which may be preassembled. Specifically, Kelly is directed towards a complicated arrangement of drums and cables provided to counterbalance a multi-panel door. As is evident from Fig. 1, Kelly '391 discloses a standard door system wherein vertical tracks are mounted directly to the wall and no header is provided. Thus, preassembly is not possible because no header is present which would enable the assembly of the two vertical track assemblies while away from the wall. Similarly, Wolf does not disclose a header which spaces vertical track assemblies and which is capable of preassembly prior to mounting to a building. Thus, neither Wolf, Kelly or indeed any of the cited references disclose a header element which interconnects the vertical track assemblies and is capable of preassembly prior to mounting to a building. Thus, it is believed that none of the prior art made of record teach each and every element of claim 1. As such, claim 1 and all claims depending therefrom are now in condition for allowance.

Claim 18 has been amended to further define the vertical track assembly. Specifically, the vertical track assemblies disclosed in claim 18 now include a track section, adapted to receive rollers, a web which is adapted to mount to framing members of a wall, and an extension which joins the web to the track section. Notably, the track section, web and extension are comprised of a single uninterrupted member. This single piece design is advantageous because multiple steps are eliminated in the installation process. Prior art door systems, such as those disclosed in Wolf, Kelly and Hoofard are multi-piece vertical track assemblies, requiring multiple installation steps and numerous parts.

Claim 18 includes elements generally similar to original claims 11 and 12 which were rejected based on Wolf. Specifically, it has been asserted that the reverse angle 58 and portion 80 provide a broad extension and web, which spaces the door stop therefrom. Moreover, it has been asserted that the vertical tracks are of one-piece construction because they are directly connected. Thus, as a preliminary matter, the Applicant has replaced the "one-piece" language with "single uninterrupted member"

and it is therefore asserted that this limitation is not satisfied by merely being directly connected. Further, a closer look reveals that not only are members (58) and (80) of Wolf not a single-piece or uninterrupted, but that Wolf would not function if it were a single uninterrupted piece, and thus teaches away from such a feature. Specifically, as seen in Figs. 2-5, jamb angle 80 is fixedly attached to doorway jamb 68 by screws 82. (Col. 4, Ln. 17-18). Track 58 is carried by a bearing which is received in a cam slot 84 on jamb angle 80. (Col. 4, Ln. 28-30). Thus the “[b]earing 86 resides in cam slot 84 so as to facilitate and guide sliding movement of track 58 with respect to angle 80.” (Col. 4, Ln. 33-35). Thus, not only is the vertical track assembly composed of multiple parts, but they move relative to one another during use. Thus, because Wolf does not teach a vertical track assembly which comprises a single uninterrupted member, Wolf can not anticipate claim 18. Further, if Wolf were modified to be a single uninterrupted piece, it would render the invention unworkable, and thus no *prima facie* case of obviousness may be maintained. Thus, for the aforementioned reasons, it is submitted that claim 18 is in condition for allowance and that all claims depending therefrom are likewise allowable.

Claim 23 has now been amended to include the further limitation that the vertical track assemblies and transitional track assemblies are formed of a single uninterrupted member. Further, claim 23 now recites that the transitional track members include first and second receiving channels adapted to telescopically receive the horizontal and vertical track assemblies respectively. Thus, the door system disclosed in claim 23 advantageously includes very few individual parts to assemble during installation. This design renders pre-assembly of the dual horizontal and transitional tracks unnecessary. Separate reverse angles are unnecessary along with the various bolts and screws associated therewith. Further, the inclusion of the receiving channels in the transitional track assembly allows the single piece vertical and horizontal tracks to quickly and easily slide into place during installation. Thus, the door system represents a great improvement over prior art door systems in the ability to quickly mount and install the system.

Conversely, neither Kelly, Wolf or Hoofard disclose a dual track door system incorporating vertical, transitional and horizontal track assemblies which are formed of single uninterrupted members. Further, regarding the transitional track, similarities

may be drawn to original claims 11 and 12, and thus the rejection of these claims are instructive. These claims were rejected as obvious over Kelly in view of Hoofard and alternatively over Wolf in view of Hoofard. Primarily, it is notable that the transition section disclosed in Hoofard includes only a first track section which is adapted to couple to single horizontal and vertical track sections. Additionally, it is evident that if the transition member of Wolf were modified to include the receiving channels of Hoofard, the door system would become inoperable. As discussed above, the vertical track assembly of Wolf slides downwardly and forwardly away from the transition track section during door closing (Fig. 2). Thus because the track moves both upwardly and rearwardly during door opening it is submitted that inclusion of receiving channels would interfere with such movement and render the modified device inoperable for its intended purpose. Further, there is simply no motivation to combine the teachings of Wolf with those of Hoofard. Specifically, Hoofard is directed to, among other things, securedly coupling transitional, horizontal and vertical track sections. Conversely, Wolf teaches a novel method of securing the sectional door to the door frame by causing the vertical track section to slide downwardly and forwardly in a sliding cam fashion. Thus because one patent teaches a means of securing track sections together and another teaches a method of causing them to move, there is absolutely no motivation in the references to be combined with the other. It can only be assumed that the combination of the two is impermissible hindsight and that the only suggestion of combination comes from the present disclosure.

Regarding the combination of Hoofard with Kelly '391, the same deficiencies exist. There is simply no motivation to combine the two references. The transition segment of Hoofard is designed to couple to standard generally c-shaped track sections. The dual horizontal track sections of Kelly '391 are not of such design. The lower track portion is of the standard c-shape, but the upper horizontal "track" is merely the upper surface or flange of the lower track. Thus, there is simply no motivation to provide a receiving channel which telescopically receives a flat surface. Further, if the transition member were modified so that both the bottom and top transitional track sections are c-shaped, in order to accommodate the telescoping reception of the horizontal and vertical tracks, the door system would be inoperable. Specifically, the reason the upper horizontal and transitional tracks are open, is because the roller 80 must be free to lift

off the flange 28. (Col. 4, Ln. 14-19). Indeed, it was contemplated by the inventor that contact between roller 86 and flange 31 could cause roller 80 to lift off of flange 28. Thus, the proposed modification of the transition member of Kelly would likely cause the door system to function improperly and jamb.


Thus, none of the references disclose dual track door assemblies incorporating vertical, transition and horizontal track assemblies which are formed of single uninterrupted members. Further, any combination of the teachings of Hoofard with either Wolf or Kelly is improper because no motivation for their combination is present in the patents and because the resulting combinations would not function. Therefore, it is believed that amended claim 23 is now in condition for allowance as are all claims depending therefrom.

Examination and allowance of new dependent claim 36 is respectfully requested.

#### **CONCLUSION**

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully requests the Examiner to reconsider the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-7, 9-26, 30-32 and 36 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

  
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